

COUNTY OF KAUAI
Minutes of Meeting
OPEN SESSION

Board/Committee:		Kaua‘i Police Commission	Meeting Date	August 26, 2016
Location	Mo`ikeha Building – Meeting Room 2A/B		Start of Meeting: 9:00 a.m.	End of Meeting: 1:39 p.m.
Present	Chair Charles C.C. Iona; Vice-Chair Mary K. Hertog; Members: Savita Agarwal, Catherine Adams, Gerald (Chip) Bahouth, Kevin Mince and Donald (Moki) Okami Senior. Also present: Boards and Commissions Office Staff: Support Clerk Mercedes Omo; Office of the County Attorney: Deputy County Attorney Peter Morimoto; Police Department: Chief of Police Darryl Perry; Deputy Chief of Police Michael Contrades; Acting Assistant Chief Todd Tanaka. Public Testimony: Ms. Janet Mello			
Excused				
Absent				
SUBJECT	DISCUSSION		ACTION	
Call To Order			Chair Iona called the meeting to order at 9:00 a.m. with seven (7) Commissioners present constituting a quorum.	
Approval of Minutes	Regular Open Session Meeting Minutes of July 22, 2016 Special Open Session Meeting Minutes of August 10, 2016 Chair Iona suspended the rules to allow public testimony by Ms. Janet Mello for item KPC 2016-10.		Commissioner Adams moved to approve the meeting minutes of July 22, 2016 and August 10, 2016. Commissioner Okami seconded the motion. The motion carried 7:0.	
KPC 2016:10	Communication dated August 8, 2016 from Ms. Janet Mello requesting agenda time to speak about an article written in the Garden Island Newspaper pertaining to her son Jesse Olanolan. Janet Mello testified that she was concerned about comments that were made by Chair Iona calling out the Hawai‘i Paroling Authority by saying a recent decision to grant parole to an inmate was based on overcrowding in the prison.			

SUBJECT	DISCUSSION	ACTION
	<p>Ms. Mello stated that although her son's time in jail had been cut short, her son has met all of the criteria and has participated in programs while incarcerated, and to read something like this in the local newspaper was very disheartening. Ms. Mello stated that although she agrees with Chair Iona that the Hawai'i Paroling Authority decision to grant her son parole is a hard argument to sell to the average citizen because her son was not an ideal probationer, she felt his comments were unfair and that her son did his time and is now trying to get his life back on track.</p> <p>Chair Iona thanked Ms. Mello for bringing the issue to the Commission; however, the issue itself had nothing to do with the Commission and that the quote she read in the Garden Island Newspaper was not a quote he gave to the Garden Island Newspaper. Chair Iona stated that documents will show him engaging in an email conversation between himself and the Citizens Against Thieves group, not writer of the article, and that all of her inquiries relating to the article should be directed to Michelle Iracheta of the Garden Island Newspaper, not him. Ms. Mello thanked Chair Iona for his explanation.</p> <p>Chair Iona called for a motion to receive item KPC 2016-10.</p> <p>With no further public testimony, Chair Iona called the meeting back to order.</p>	<p>Commissioner Agarwal moved to receive item KPC 2016-10 for the record. Commissioner Adams seconded the motion. The motion carried 7:0.</p>
Chief's Monthly Reports	<ol style="list-style-type: none"> 1. Administrative and Technical Bureau – Recruitment, Records Section and Training Reports 2. Fiscal Report 3. Investigative Services Bureau – General Crimes/Major Crimes Section, Special Focus Section and Vice Section 4. Bench Warrant Tracking 5. Patrol Services Bureau Monthly Activity and Traffic Reports 	

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	<p>6. Community Oriented Policing Traffic and /Districting Reports for Līhu'e, Kawaihau and Waimea</p> <p>7. Chief's Announcements and Pertinent Updates</p> <p>Chief Perry announced that the Department is steadily moving towards accreditation and he is looking forward to receiving a report from Chief Line before plans can be made to go to South Carolina to give public testimony on behalf of the Department.</p> <p>Acting Assistant Chief Todd Tanaka reported on the Active Shooter exercise and PowerPoint presentation that was held at the County's Housing and Elderly Agencies.</p>	
<p>Business KPC 2016- 06</p>	<p>Discussion and decision-making on identifying and proposing substantive and non-substantive changes to the Police Commission Rules of Administrative Practice and Procedure.</p> <p>Vice Chair Hertog reported that there are two items that need to be inserted into the rules; one of which is a rule to regulate political activities in the Police Department, as well as the Police Commission. Deputy County Attorney Morimoto is going to draft a blanket statement to be inserted into the rules. Additionally, Vice Chair Hertog stated that based on the phone conversation the Commissioners had with Attorney Corlis Chang regarding the ICA's decision, they have reinserted the language on disciplining the Chief of Police into the rules.</p>	
<p>KPC 2016- 09</p>	<p>Discussion on modifying the Chief of Police job description.</p> <p>Vice Chair Hertog stated that with the collaboration of Deputy County Attorney Peter Morimoto, HR Director Janine Rapozo and Chief Perry, the Chief's job description is almost complete with the exception of Chief</p>	

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	<p>Perry's decision to remove the Master's Degree qualification because after careful thought and consideration based on his own experience and how he was able to move up in rank, some high ranking staff members (who are more than qualified to fill the Chief's position) may not have the funding available to be able go back to school to earn a higher educational degree as he did.</p> <p>Chief Perry added that it wouldn't be fair, in his opinion, to place that type of requirement on them, but a Bachelor's Degree would be appropriate.</p> <p>Commissioner Adams stated that she thought the original recommendation required a Bachelor's Degree and preferred a Master's Degree. In her opinion, preferred would be an added point for a candidate who came with additional credentials to which Commissioner Mince replied that's not correct because the Charter basically calls for a high school education and to require a Master's Degree would require a Charter amendment. But after speaking to HR Director Janine Rapozo, they were able to include in the Chief's job description, under other desirable qualifications, possession of a Bachelor's Degree.</p> <p>Vice Chair Hertog noted that the Commission needs to make a decision before it can move forward. Chair Iona called for a motion to leave in the Master's Degree qualification or withdraw it.</p>	<p>Commissioner Adams moved to remove the preferred Master's Degree in the Chief's Job Description. Commissioner Bahouth seconded the motion. The motion carried 7:0.</p>
KPC 2016-11	Copy of the Hawai'i Police Commission regular session minutes of June 17, 2016.	Vice Chair Hertog moved to receive item KPC 2016-11. Commissioner Adams seconded the motion. The motion carried 7:0.
Announcements	Next scheduled meeting – 9:00 a.m. on Friday, September 23, 2016, at the Mo'ikeha Building in Meeting Room 2A/2B. Followed by Executive Session.	

SUBJECT	DISCUSSION	ACTION
	At 9:35 a.m. Vice Chair Hertog cited the Hawai'i Revised Statutes to bring the meeting into Executive Session.	
ES KPC 2016-016	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) (4) and (8), the purpose of the Executive Session is for the Commission to consult with its attorney as to the powers, duties, privileges, immunities, and/or liabilities as they may relate to a request for assistance from Chief of Police Darryl D. Perry to have documents and materials associated with his suspension removed from his personnel file, and to be reimbursed for attorney's fees and out-of-pocket expenses. (Deferred on August 10, 2016)	
ES KPC 2016-018	Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (4), §92-9 (a) (1-4) and (b), the purpose of this Executive Session is for the Commission to approve the Executive Session minutes of July 22, 2016 , and to consult with its attorney on issues pertaining to the Commission's powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.	
ES KPC 2016-019	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission to consider charges brought against an officer or employee in the Kaua'i Police Department, where consideration of matters affecting privacy will be involved, provided that if the individual concerned requests an open meeting, an open meeting shall be held; and to consult with its attorney on issues pertaining to the Commission's and the County's powers, duties, privileges, immunities, and/or liabilities as they may relate to the following agenda items:</p> <p>New complaint KPC 2016-004 received on July 18, 2016. The complainant alleges that an officer in the County was rude, condescending and lacked professionalism by not greeting or identifying himself at any point during the traffic stop.</p>	

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ES KPC 2016-020	New complaint KPC 2016-005 received on July 21, 2016. The complainant alleges that two detectives in the County conducted a wrongful and coercive interrogation which resulted in the subsequent wrongful arrest of the complainant.	
ES KPC 2016- 021	New non-notarized complaint KPC 2016-006 received on August 2, 2016. The complainant alleges that officers in the County used excessive and unnecessary use of force while detaining the complainant.	
ES KPC 2016-022	Discussion on the restrictions and legalities of providing certain confidential information relating to the disposition of all KPD internal investigated complaints as mandated by the Hawai'i Revised Statutes and S.H.O.P.O union.	
ES KPC 2016-023	<p>Pursuant to Hawai'i Revised Statutes §92-4, §92-5 (a) (2) and (4), the purpose of this Executive Session is for the Commission discuss the selection of a minimum of eight (8) stakeholders for the Chief's Annual Performance Evaluation, where consideration of matters affecting privacy will be involved; provided that if the Chief requests an open meeting, an open meeting shall be held. And to consult with attorney as to the powers, duties, privileges, immunities, and/or liabilities as they may relate to this agenda item.</p> <p>Chair Iona called for a motion to enter into Executive Session.</p>	<p>Vice Chair Hertog moved to enter in Executive Session. Commissioner Agarwal seconded the motion. The motion carried 7:0.</p> <p>At 9:38 a.m. the Commissioners entered into Executive Session.</p>
Return to Open Session to Ratify the actions taken in Executive Session	At 1:39 p.m. the Commissioners reconvened in Open Session. Vice Chair Hertog called for a motion to ratify the actions taken in Executive Session.	Commissioner Adams moved to ratify the actions taken in Executive Session for the following items. Commissioner Bahouth seconded the motion. The motion carried 6:0.

SUBJECT	DISCUSSION	ACTION
		<p>ES KPC 2016: 017: With the recusal of Chair Iona the motion carried 4:0 to grant Chief Perry's request to have all detrimental and derogatory materials relating to his suspension removed from his personnel files. Additionally, the motion carried 4:0 to deny Chief Perry's request for reimbursement for all legal expenses and out-of-pocket expenses pursuant to HRS §52D-8.</p> <p>ES KPC 2016-018: Motion carried 7:0 to correct the Executive Session meeting minutes of July 22, 2016. Additionally, a second motion carried 7:0 to approve the Executive Session meeting minutes of July 22, 2016 as amended.</p> <p>ES KPC 2016-019: Motion carried 7:0 to not uphold notarized complaint No. KPC 2016-004.</p> <p>ES KPC 2016-020: Motion carried 7:0 to not uphold notarized complaint No. KPC 2016-005 and forwarded it to the Chief for investigation.</p> <p>ES KPC 2016-021: Motion carried 7:0 to accept non-notarized complaint No. KPC 2016-006 and forward it to the Chief for investigation.</p> <p>ES KPC 2016-022: Moving forward, the Commissioners unanimously agreed to receive quarterly updates for only KPC notarized complaints and not KPD's internal complaints.</p>

SUBJECT	DISCUSSION	ACTION
		ES KPC 2016-023: Motion carried 7:0 to approve the names of ten (10) stakeholders selected by the Commission.
Adjournment	With no further business to conduct, Vice Chair Hertog called for a motion to adjourn the meeting.	Commissioner Adams moved to adjourn. Commissioner Agarwal seconded the motion. The motion carried 6:0. At 1:39 p.m. the meeting adjourned.

Submitted by: _____
Mercedes Omo, Staff Support Clerk

Reviewed and Approved by: _____
Charles C.C. Iona, Chair

() Approved as circulated on
(x) Approved as amended on **September 23, 2016.**